



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

April 5, 2016
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Mark Andrews, Pastor, St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - NA** A. Proclamation for National Public Safety Telecommunications Week. **(Exhibit IV.A.)**

Mayor Wright read and presented a proclamation to Lt. Vidal Sipe and the Hickory Police Department Telecommunicators in attendance.
 - NA** B. Proclamation for Fair Housing Month. **(Exhibit IV.B.)**

Mayor Wright read and presented a proclamation for Fair Housing Month to Mike Kelly Jr.
 - NA** C. Presentation of a Proclamation for Volunteer Week in Catawba County to Cheryl Abee, Director, Volunteer Center/Information & Referral Catawba County United Way. **(Exhibit IV.C.)**

Mayor Wright read and presented a proclamation for Volunteer Week in Catawba County to Cheryl Abee.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A** A. Regular Meeting of March 15, 2016. **(Exhibit VI.A.)**
 - A** B. Special Meeting of March 21, 2016. **(Exhibit VI.B.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A2** A. Approval of a Community Appearance Grant for Non-Residential Property Owned by Rahe Bryce, LLC Located at 200 2nd Street NW in the Amount of \$3,897.50. **(First Reading Vote: Unanimous)**
 - A2** B. Contract Addition with Freese Nichols in the Amount of \$27,000. **(First Reading Vote: Unanimous)**
 - A2** C. Budget Ordinance Amendment Number 19. **(First Reading Vote: Unanimous)**

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A2 D. Budget Ordinance Amendment Number 20. **(First Reading Vote: Unanimous)**

VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

A A. Proclamation for Arbor Day, April 23, 2016. **(Exhibit VIII.A.)**

A B. Proclamation for Lineman Appreciation Day, April 18, 2016. **(Exhibit VIII.B.)**

A C. Proclamation for Child Abuse Prevention Month. **(Exhibit VIII.C)**

A D. Special Events Activities Application Downtown Hickory Shuck & Peel Party, Connie Kincaid, HDDA Executive Director, November 12, 2016, 6:00 a.m. to 11:00 p.m., Union Square. **(Exhibit VIII.D.)**

A E. Special Events Activities Application A Hickory Holiday, Connie Kincaid, HDDA Executive Director, December 15, 2016, 3:00 p.m. to 8:00 p.m., Union Square. **(Exhibit VIII.E.)**

A1 F. Approval of a Contract to West Carolina Freightliner, LLC in the Amount of \$118,089 for the Purchase of a 2017 Freightliner Tandem Axle Road Tractor with Glider Kit. **(Exhibit VIII.F.)**

Staff requests approval of the contract with West Carolina Freightliner, LLC in the amount of \$118,089 for the purchase of a 2017 Freightliner Tandem Axle Road Tractor with Glider Kit. The Solid Waste Department uses tandem axle road tractors to pull trailer loads of garbage from the transfer station daily to the Catawba County Landfill. This equipment is an essential function of the Solid Waste Division as a whole and must be operational for the transfer station facility to properly operate as a central, cost saving measure for all solid waste trucks to unload collected garbage from around the City. The approved capital budget for purchase of this tandem axle road tractor was \$110,000. A required wet kit to run the hydraulics of the compaction trailers is \$8,089. The cost for the wet kit will be covered from unused money from another under budget line item. Staff recommends approval of the contract with West Carolina Freightliner, LLC in the amount of \$118,089. In accordance with North Carolina General Statute 143-129(e)(6), the department requests Council to approve this purchase under the sole source provision as an exception instead of a public bid process.

A G. Request from Hickory Police Department to Award Police Badge and Service Weapon to Retiring MPO Mike Beach. **(Exhibit VIII.G.)**

By authority of NC General Statute §20-187.2, City Council may award the service weapon (Glock Model 19-Serial #UVZ991) and police badge to retiring MPO Mike Beach upon his retirement from Hickory Police Department on May 1, 2016 after completing 30 years of qualifying service with Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory.

A H. Acceptance of the North Carolina Department of Transportation – Division of Aviation Grant 36244.33.13.1 in the Amount of \$90,000 for Approach Land Acquisition and Obstruction Removal. **(Exhibit VIII.H.)**

On November 5, 2013 City Council approved the Hickory Regional Airport's Transportation Improvement Program Submittal for FY2015-2021 to the North Carolina Department of Transportation (NCDOT). It included specific future capital project improvements for the airport. Land acquisition and obstruction removal was part of that submittal indicating acquisition of additional land as needed and obstructions removed to allow for a safe glide path for a 600 foot extension of Runway 6. By a letter dated February 22, 2016, the NCDOT has allocated State funds via grant 36244.33.13.1 with

the State share of \$90,000 and the local share of \$10,000 for land acquisition and obstruction removal. Staff recommends City Council's acceptance of grant 36244.33.13.1 in the amount of \$90,000 from the North Carolina Department of Transportation.

- A** **I.** Approval of the Appointment of Sandy Jones to City of Hickory Tax Collector for an Additional Two-Year Term. **(Exhibit VIII.I.)**

Staff requests approval to reappoint Sandy Jones, current Grants and Projects Coordinator in the Finance Department, as City of Hickory Tax Collector for an additional two-year term. In order to comply with Chapter 105 of the North Carolina General Statutes, the City should appoint a designated Tax Collector for the municipality to cover the additional tax duties at the City level. The City of Hickory is currently responsible for printing, mailing, collecting, answering taxpayer inquiries, advertisement, and enforcing collections procedures for the City of Hickory within Burke and Caldwell counties. The City appointment will have no impact on the current Catawba County Tax Collector designation for all other City of Hickory taxes. Staff recommends reappointing Sandy Jones as City of Hickory Tax Collector for an additional two year term.

- A1** **J.** Approval of Auditing Contract with Martin Starnes & Associates. **(Exhibit VIII.J.)**

The North Carolina Local Government Commission does not require formal bid requirements for auditing services due to the professional relationship formed between auditors and clients over an extended work history. The Secretary of the Local Government Commission approves all local government contracts for audit or audit-related work. Martin Starnes & Associates offers a competitive rate for their services and is widely known for their professional staff and service through the local government community. The City of Hickory has utilized the services of Martin Starnes & Associates for the past several years with excellent results. Martin Starnes & Associates was also contracted to produce the City's Comprehensive Annual Financial Report at a substantial cost savings from previous years. Staff recommends approval to accept the auditing contract with Martin Starnes & Associates for fiscal years ending June 30, 2016 – 2018. Total fees for Audit, Financial Preparation, and AFIR for 2016 - \$56,000; 2017 - \$57,675, and 2018 - \$57,675.

- A1** **K.** Approval of the Community Relations Council's Recommendation for Funding of Seven Grants totaling \$7,300. **(Exhibit VIII.K.)**

As part of the Community Relations Council work plan and annual budget process, the Community Relations Council (CRC) receives funds to disperse during the fiscal year through the CRC's grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC's goals and mission and how the program will serve to improve human relations in the Hickory area. For the spring 2016 grant cycle, the CRC received twelve grant applications for projects totaling \$15,250, and is recommending approval of seven of the grants totaling \$7,300. The seven grants include: Women's Resource Center - \$750; Safe Harbor Rescue Mission - \$750; Council on Adolescents of Catawba County, Inc. - \$1,300; Hickory Community Theatre - \$1,500; Catawba Valley Quilters Guild - \$800; Lenoir-Rhyne University Office of Multicultural Affairs - \$1,000; and Hickory Public Schools - \$1,200. Community Relations Council recommends Council's approval for funding of the seven grants listed totaling \$7,300.

- A1** **L.** Budget Ordinance Amendment Number 21. **(Exhibit VIII.L.)**

1. *To appropriate unspent donations in the amount of \$6,655 to International Springfest from FY 2014-2015.*
2. *To recognize \$300 in revenue received from donations to the Youth Council for registration fees for the State Youth Council Convention.*
3. *To recognize \$12,050 in revenue received from 2015-16 Unifour Senior Games Sponsorships.*

4. To recognize \$350 in revenue received from a donation from Shurtape and North by Northwest Consulting for purchase of tennis shirt for our youth tennis program.
5. To transfer \$102 to the multi-year grant project fund for the Hickory Police Department's project under the Edward Byrnes Memorial Justice Assistance Grant (JAG) to purchase 12 body-worn cameras, hardware, service, digital evidence management solution, and equipment for officer training by Catawba County. Federal funding in the amount of \$19,555 is available to the City and \$12,900 available for Catawba County. Hickory is the lead agency for grant administration. Council accepted the award on September 15, 2015. The original project was amended in December 2015 to move existing police funds to the grant for the portion of expenditures that exceeded grant funding. This final request to transfer \$102 is a result of shipping freight and handling charges. This final budget revision will allow the project to be closed in FY 2015-16.

A1 M. Grant Project Ordinance Amendment Number 6. (Exhibit VIII.M.)

1. To reconcile and close G5110R for the US Department of Justice FY15 Edward Byrne Memorial Justice Assistance Grant (JAG). Grant funds were used to purchase 12 body worn cameras, hardware, service, and digital evidence management solution for the Hickory Police Department and the purchase of equipment for officer training by Catawba County. Federal funding in the amount of \$19,555 is available to the City and \$12,900 is available for Catawba County. Hickory is the lead agency for grant administration. Council accepted the award on September 15, 2015. The original project was amended in December of 2015 to move existing police funds to the grant for the portion of the expenditures that exceeded grant funding. This final request for the move of \$102 in police funds is a result of shipping freight and handling charges. This final budget revision will allow the project to be closed in FY16.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

- A1**
1. Consideration of Rezoning Petition 16-01 for Approximately .48 Acres of Property Located at 225 S NC Highway 127. The Petition is to rezone the Property from High Density Residential (R-4) to Office & Institutional (OI). **(Exhibit XI.A.1.)**

Dr. Grace Auten has petitioned for the rezoning of approximately .48 acres of property located at 225 South NC Highway 127. The petition is to rezone the properties from high density residential (R-4) to office and Institutional (OI). The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as high density residential. The rezoning of the subject properties to office and institutional (OI) is consistent with the goals and policies contained within the Hickory by Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on February 24, 2016 and voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the Commission's findings and recommendations.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 25, and April 1, 2016.

- A1**
2. Consideration of Rezoning Petition 16-02 for Approximately 2.44 Acres of Property Located at 826 21st Street Drive SE, 828 21st Street Drive SE, 857 23rd

Street Court SE, 863 23rd Street Court SE, 903 23rd Street Court SE and a Portion of 830 21st Street Drive SE. **(Exhibit XI.A.2.)**

US Conec, LTD has petitioned for the rezoning of approximately 2.44 acres of property located at 826 21st Street Drive SE, 828 21st Street Drive SE, 857 23rd Street Court SE, 863 23rd Street Court SE, 903 23rd Street Court SE and a Portion of 830 21st Street Drive SE. The petition is to Rezone the Properties from High Density Residential – 4 (R-4) to Industrial (IND). The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as industrial. The rezoning of the subject property to industrial is consistent with the goals and policies contained within the Hickory by Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on February 24, 2016 to consider the petition and voted 7-0 unanimously to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan and recommended City Council approve the petition. Staff concurs with the Commission's findings and recommendations.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 25, and April 1, 2016.

B. Departmental Reports:

A 1. Appointments to Boards and Commissions

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Other Minority VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Burke County (Mayor to Nominate) VACANT Since 8-6-2008
Brookford (Mayor to Nominate) VACANT Since 6-2006

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)
(7) Positions VACANT

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large Minority VACANT

Alderman Guess nominated David Williams as the At-Large Minority Representative for Parks and Recreation Commission.

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 VACANT

WESTERN PIEDMONT COUNCIL OF GOVERNMENT UNIFORM AIR QUALITY COMMITTEE

Delegate to replace former Alderman Meisner

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Alderwoman Patton commented “that it was consensus of Council in January to move the operations of the Hickory Housing Authority to the COG and we have had legal barriers to accomplish our goal. We agreed unanimously that it would be the best solution for the COG, a well-run seasoned organization to administer our housing. They have the breadth and depth of knowledge of the policies and procedures which have tripped up the current Housing Authority. We still have no clear path as to how to accomplish doing the right thing for the citizens of public housing in giving them the autonomy to decide where they will live. Not addressing the issue is unfair to our citizens. The Housing Authority’s plan to rehab the current buildings does nothing to solve the concentration of housing in one section of town. More so, I do not want to see public assets taken over by a private LLC with no input from the City. I hope the members of Council have the resolve to continue to work towards doing the best for our citizens”.

Mayor Wright commented that he had mentioned to Mr. Berry that it might be good to have this issue brought up at the next meeting. He commented that it was fine that Alderwoman Patton had brought it up, but he didn’t feel that they were prepared to discuss it in detail at this time. He felt that it should come up at the next meeting. He shared with the public that some things had changed. There are indications, he believes from HUD, Council’s concern all along was that the Hickory Housing Authority was on the outs with HUD, and Council had reason to believe that. They have been told by HUD that they cannot interpret any reports that they have given, or any verbal comments that they have made as indicating a rift or unhappiness with the Hickory Housing Authority. In his opinion that changes substantially where Council is because they could create a rift between Hickory Housing and HUD. He commented that Council could discuss that in great detail at their next meeting.

XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**